

# The Gazette of India



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### PART III—SECTION 3

#### Notifications relating to Minor Administrations

##### GOVERNMENT OF PONDICHERRY

###### Political Affairs, Legislation and Health Departments

###### NOTIFICATIONS

Pondicherry, the 12th September 1960

No. 1643 APLS—Dr. C. NIOGUY, Assistant Surgeon, General Hospital, Pondicherry is granted earned leave for thirty four days from 19th September 1960 to 22nd October 1960 with permission to affix and to suffix the holidays on 18th September 1960 and 23rd October 1960.

2. On the expiry of the leave sanctioned above, the Doctor will rejoin duty in the same post.

(By order of the Chief Commissioner)

E. TETTA

Secrétaire aux A.P.L.S.

Pondicherry, the 15th September 1960

No. 1649 APLS—Dr. R. SHANMUGHAM, Assistant Surgeon, General Hospital, Karikal is granted earned leave for six days from 8th August 1960 to 13th August 1960 with permission to prefix and to suffix the holidays on 6th and 7th August 1960 and on 14th and 15th August 1960.

2. On the expiry of the leave sanctioned above, the Doctor will rejoin duty in the same post.

(By order of the Chief Commissioner)

E. TETTA

Secrétaire aux A.P.L.S.

Pondicherry, the 15th September 1960

No. 1650 APLS—Dr. B. Kichenassamy, Assistant Surgeon at Nedungadu Dispensary (Karikal) is granted earned leave for seventeen days from 12th to 28th September 1960 with permission to prefix and to affix the holidays on 11th and 29th, 30th September 1960.

2. On the expiry of the leave sanctioned above, the Doctor will rejoin duty in the same post.

(By order of the Chief Commissioner)

E. TETTA

Secrétaire aux A.P.L.S.

##### OFFICE OF THE ADMINISTRATOR, LACCADIVE, MINICOY AND AMINDIVI ISLANDS

###### NOTIFICATION

Kozhikode, the 8th September 1960

F.No. 175/1/60 S1—The following draft of the Laccadive, Minicoy and Amindivi Islands survey and Boundaries Rules, 1960, which the Administrator of the Laccadive, Minicoy and Amindivi Islands proposes to make in exercise of the powers conferred on him by Section 20 of the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation, 1959, is published as required by the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after 1st September 1960.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Administrator.

###### 1. Short title—

These rules may be called the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Rules, 1960.

###### 2. Definitions—

In these rules, unless the context otherwise requires—

(a) "Regulation" means the Laccadive, Minicoy and Amindivi Islands Survey and Boundaries Regulation 1959;

(b) "section" means a section of the Regulation.

###### 3. Classes of survey stones to be used in survey and points at which they are to be planted

The following are the survey stones to be used in survey:—

(1) *Theodolite stones*—Rough stones of durable quality roughly squared at the top (20 c.m. x 20 c.m.) or cement concrete slabs 60 c.m. in length, and square (20 c.m. x 20 c.m.) at the top. A plummet hole in a circle of 5 c.m. diameter should be cut on the top as also a broad arrow mark 10 c.m. in length.

*Note*—Stone Boulders in situ or rock if situated at the required points may be utilised by cutting the plummet holes and arrow marks on them.

These stones are to be planted at points at which a theodolite has been set up.

(2) *Field stones*—Rough stones of durable quality roughly squared at the top (15 c.m. x 15 c.m.) or cement concrete slabs 60 c.m. in length and square (15 c.m. x 15 c.m.) at the top with an arrow mark 10 c.m. in length at the top.

*Note*—Stone Boulders in situ or rock if situated at the required points may also be utilised by cutting arrow marks on them.

These stones are to be planted at the junctions and bends of survey fields and at the bends of poramboke subdivisions and fields.

###### 4. Existing survey marks to be deemed to be of prescribed description—

Survey marks which have been planted under proper authority before the issue of these rules shall be deemed to have been planted under the provisions of these rules.

###### 5. Survey marks when deemed to require repair—

A survey mark shall require repair when it is

(a) out of its correct position; or

(b) entirely covered with earth or overgrown with vegetation so as to be invisible or inaccessible for purposes of measurement.

## 6. Powers exercisable by Survey Officers—

Survey Officers appointed under sub-section (1) of section 3 and mentioned in column (1) of the schedule below shall exercise the powers specified in column (2) thereof within their respective jurisdiction, which may be assigned to them in this behalf by the Administrator, provided that the Administrator may also exercise all or any of the powers conferred on such officers.

## SCHEDULE

Class of officers empowered	Brief description of powers conferred
1. Assistant Director of Survey and Tahsildars and Secretary to the Administrator.	To hear appeals from orders under sections 7(1) and 8(1) passed by the subordinate survey officers (Section 9).
2. Assistant Director of Survey Head Surveyor, Deputy Surveyors, Tahsildars.	To publish notification of commencement of survey [Section 5(1)].  To determine undisputed boundaries [Section 7(1)].  To inquire into and determine disputed boundaries [Section 8(1)].  To notify completion of survey (Section 11).  To receive reports of the destruction, injury, removal or alteration of survey marks. [Section 14(b)].
3. Assistant Director of Survey Head Surveyor, Deputy Surveyors Tahsildars and Secretary to the Administrator.	To summon witnesses and require production of documents (Section 16).
4. Tahsildars, Deputy Surveyors . .	To maintain renew and repair survey marks and apportion the cost thereof [Section 13(1)].  To issue notices to the Registered holders regarding renewal or repair of survey marks [Section 13(2)].
5. Assistant Director of Survey, Secretary to the Administrator.	To refer to arbitration (Section 17).

## 7. Collection and record of information of land to be surveyed—

(1) When the survey Officer empowered under rule 6 has published a notification under sub-section (1) of section 5 in respect of any land, such officer may by written notice call upon any person claiming to be interested in such land—

- (a) to attend either in person or by agent at a specified place and time, and from time to time thereafter in order to point out boundaries and supply information in connection therewith;
- (b) to produce before him for inspection and registry all grants, title deeds and other documents relevant in his opinion to the survey.

(2) The Survey Officer may by written notice, call upon the Amin or Karani of the Islands to produce records and information relating to the survey and to point out boundaries, and supply information in connection therewith and to attend during the survey whenever necessary.

## 8. Manner of publication of notification under Section 5(1)—

The notification under sub-section (1) of section 5 shall be published in the following manner, namely by affixing a copy thereof in a conspicuous place in the office of the Amin or Karani of the Island concerned and by beat of drum.

## 9. Form of notices under Section 7(2)—

The notices issued under sub-section (2) of section 7 shall be in the form of an extract relating to the holding and shall state the time within which and the officer to whom an appeal may be presented.

## 10. Form of notices issued under Section 8(2) and 9—

Notice of decision under sub-section (2) of section 8 and section 9 shall give the purport of the decisions passed and those given under sub-section (2) of section 8 shall also specify the time within which and the officer to whom an appeal may be presented.

## 11. Notice of appeal—

When an appeal is filed against a decision under sub-section (1) of section 7, notice shall be given by the appellate authority to all the registered holders the boundaries of whose holdings may be affected by the proceedings in appeal. In the case of an appeal against a decision under sub-section (1) of section 8 notice shall similarly be given to the other parties to the dispute.

## 12. Preparation of records—

For the survey of any land the following records shall be prepared by the Survey Officer before the completion of the survey of the land is notified under section II:—

- (i) field register showing the number and area of each survey field and sub-division and, as far as ascertainable, the tenure and ownership of the same;
- (ii) record of measurement, or field measurement book plotted to scale and showing the measurements taken for each field and sub-division;
- (iii) map plotted to scale showing all survey fields with important topographical details.

## 13. Contents of notices under Section 13(2)—

The notices under sub-section (2) of section 13 shall specify the numbers of the survey fields or sub-divisions on or within the boundaries of which the survey marks requiring renewal or repair are situated.

## 14. Manner of service of notice—

(1) The notices issued under the regulation or under these rules shall be served on any person—

- (i) by delivering or tendering the same to him or if he is absent, by delivering or tendering the same to any adult member of his family or to his authorised agent and an acknowledgment obtained in token of the receipt of such notice; or
- (ii) If it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood.

(2) Every acknowledgment and written report obtained under this rule shall be entered in a book maintained for the purpose.

## 15. Supply of survey marks and labour—

The survey marks used and the labour employed under sub-section (1) of section 13 shall ordinarily be supplied at the cost of the Government. Where, however, a registered holder of land or his tenant offers to supply survey marks and labour at his own cost, the survey Officer may grant permission accordingly if he is satisfied that the progress of survey will not be retarded thereby. The Survey Officer shall be competent however, to rescind such permission if he finds at any time that delay in the land holder's or the tenant's supply of either survey marks or labour has set back the progress of survey operations.

## 16. Reports under Section 14 to whom to be made—

The report which the Amin, Gumastha, or Karani is required to make under Section 14 shall be made to the Tahsildar in the form of an entry in an inspection register to be submitted to the Tahsildar at such times as may be specified by him in this behalf.

## 17. Conduct of proceedings under Section 16—

The proceedings of all Officers authorised to conduct proceedings under section 16 shall be summary, but shall be governed, so far as may be practicable, by the law in force in the Islands as to—

- (a) the service of summonses;
- (b) the summoning of parties and witnesses and enforcing their attendance;
- (c) the hearing and the examination of parties and witnesses; and
- (d) the production of documents.

## 18. Fees for processes issued—

Processes issued under the Regulation shall ordinarily be served by the establishment attached to the Amin or Karani of the Island. The Administrator, may, however, sanction the employment of special establishment for the service of such notices, and in such event the following scales of fees shall be payable, namely:—

Nature of process	Amount leviable by Survey Officer	
For each summons or notice	When exercising original jurisdiction	When exercising appellate jurisdiction
	Rs. nP.	Rs. nP.
(a) to a single defendant, respondent or witness.	0.50	1.00
(b) to every additional defendant respondent or witness residing in the same island, if the processes be applied for at the same time.	0.25	0.50

Note—For processes applied for and ordered to be served urgently, the fee shall be  $1\frac{1}{2}$  times the ordinary fee.

## 19. Fee for grant of copies of Orders, etc.—

(1) Copies of orders passed under sections 7(1), 8(1) and 9 may be granted to the applicant on payment of fee which shall be levied in the form of stamp papers at the rate of one sheet for every 175 words whether in English or in Malayalam.

*Explanation*—For the purpose of this sub-rule 'sheet' means a stamp paper bearing a stamp of the value of 31 nP.

(2) The fee for copies of plans, sketches, and diagrams shall be fixed at Re. 1 per sheet of paper of the size used for a page of the Field Measurement Book and Re. 1 for every additional sheet required.

## 20. Appointment etc. of Arbitrators—

(1) The Arbitrators shall be appointed in the following manner:

In any dispute (as to a boundary) coming up for hearing in the court of the Administrator or the Secretary to the Administrator, or the Assistant Director of Survey the court may, at any stage of the hearing, if satisfied that the facts, of the case cannot be ascertained except by reference to local persons, suggest to the parties in dispute that the case be referred to arbitration.

(2) If the parties agree to arbitration, the Amin or Karani of the Island with two Karanavans and two representative land holders as may be agreed upon by the parties in dispute shall be appointed as arbitrators.

(3) If the parties agree to arbitration, but do not agree to the choice of the representatives, the Court may of its own accord appoint two Karanavans, and two representative land holders and the Amin or Karani of the Island, as arbitrators who shall have power to act in the reference, and to make an award as if they had been appointed by the consent of all the parties.

(4) The Court shall by order refer to the arbitrators the matter in difference which they are required to determine and shall in the order specify such time as it thinks reasonable for the making of the award:

Provided that the Court may, if it thinks fit, enlarge from time to time the time for making the award.

(5) The arbitrators shall not be entitled to any remuneration in respect of the arbitration.

(6) The Court may on the application of the Amin or Karanavan, remove an arbitrator who fails to use all reasonable despatch in entering on and proceeding with the reference. The Court may also remove an arbitrator who has misconducted himself.

(7) If, for any reason, a vacancy (other than a temporary absence) occurs in relation to an arbitrator, the Court shall appoint another person to fill the vacancy and the proceedings may be continued before the arbitrators from the stage at which the vacancy is filled.

Provided further that if any such vacancy occurs in the case of any arbitrator being a representative landholder who has been appointed by the consent of the parties to the dispute, no person shall be appointed to fill the vacancy except with the consent of such parties:

Provided further that if the parties do not agree to the choice of such arbitrator, the Court may, of its own accord, appoint any person to fill the vacancy.

(8) The Court may from time to time remit the award to the arbitrators for reconsideration where the award has left undetermined any of the matters referred to arbitration.

(9) The Court may by order modify or correct an award where it appears that the award is imperfect in form or contains any obvious error which can be amended or rectified without affecting the decision. The Court shall decide the dispute according to the majority opinion given in the award. The decision of the Court passed in accordance with such award shall be conclusive between the parties to such arbitration and those claiming under them.

## 21. Procedure to be followed by arbitrators—

(1) The arbitrators shall conduct proceedings jointly, the Amin or Karani presiding over the deliberations.

(2) The arbitrators shall take such oral evidence and consider such documentary evidence as may be considered by them to be relevant or material to the dispute.

(3) The Court shall issue the same processes to the parties and witnesses whom the arbitrators desire to examine as the Court may issue in matters tried before it.

(4) The award shall be a joint document signed by all or a majority of the arbitrators and shall be submitted to the Court by the Amin or Karani. The Amin or Karani shall also file along with the award a brief note regarding the documents verified and the witnesses examined, and the local inspections made by the arbitrators.

## 22. System of Survey to be adopted—

The Diagonal and off-set system of survey shall be adopted for the survey of the Islands, provided that the Administrator may adopt such other procedure as may appear to him most suitable.

C. K. BALAKRISHNAN NAIR  
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